

2032--A

2009-2010 Regular Sessions

I N S E N A T E

February 11, 2009

Introduced by Sens. GOLDEN, HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Aging -- recommended to the Committee on Aging in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the elder law, in relation to financial exploitation of the elderly; and to amend the state finance law, in relation to creating the financial exploitation outreach, education and training fund

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivisions 13 and 14 of section 202 of the elder law,
2 subdivision 13 as amended and subdivision 14 as added by section 24-d of
3 part B of chapter 58 of the laws of 2007, are amended and a new subdivi-
4 sion 15 is added to read as follows:
5 13. to conduct a program of education and information on age discrimi-
6 nation and the preparation and filing of complaints relating to persons
7 sixty years of age or older; [and]
8 14. to, in cooperation with the department of state:
9 (a) prepare or cause to be prepared and made available to cities,
10 towns and villages model zoning and planning guidelines that foster
11 age-integrated communities including mixed-use age-integrated communi-
12 ties; and
13 (b) make recommendations, in consultation with the division of housing
14 and community renewal, to the governor and legislature for assisting
15 mixed-use age-integrated housing development or redevelopment demon-
16 stration projects in urban, suburban and rural areas of the state. The
17 director of the office for the aging and secretary of state shall estab-
18 lish an advisory committee for purposes of this subdivision. Such
19 committee shall include, but not be limited to, top representatives of
20 local government, senior citizen organizations, developers, senior
21 service providers and planners[.]; AND

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 15. TO CONDUCT AN OUTREACH, EDUCATION AND TRAINING PROGRAM FOR FINAN-
2 CIAL INSTITUTIONS AS DEFINED IN SUBDIVISION SIX OF SECTION 470.00 OF THE
3 PENAL LAW.

4 S 2. The elder law is amended by adding a new section 219-a to read as
5 follows:

6 S 219-A. FINANCIAL EXPLOITATION, OUTREACH, EDUCATION AND TRAINING
7 PROGRAM. 1. FOR THE PURPOSES OF THIS SECTION, THE TERM "DESIGNATED AGEN-
8 CY" SHALL HAVE THE MEANING ASCRIBED TO IT UNDER SECTION TWO HUNDRED
9 FOURTEEN OF THIS TITLE AND "FINANCIAL INSTITUTION" SHALL HAVE THE MEAN-
10 ING ASCRIBED TO IT IN SUBDIVISION SIX OF SECTION 470.00 OF THE PENAL
11 LAW.

12 2. THE DIRECTOR, WITHIN THE AMOUNTS APPROPRIATED THEREFOR, SHALL, IN
13 CONJUNCTION WITH THE OFFICE OF CHILDREN AND FAMILY SERVICES AND THE
14 BANKING DEPARTMENT, ESTABLISH A FINANCIAL EXPLOITATION OUTREACH, EDUCA-
15 TION AND TRAINING PROGRAM, HEREINAFTER REFERRED TO AS "THE PROGRAM" FOR
16 THE PURPOSE OF PROVIDING AN EDUCATION, OUTREACH AND TRAINING PROGRAM TO
17 FINANCIAL INSTITUTIONS, TO CERTIFIED PUBLIC ACCOUNTANTS LICENSED IN THIS
18 STATE, TO ANY PREPARER OF TAXES OPERATING IN THIS STATE AND TO ATTORNEYS
19 LICENSED IN THIS STATE. THE PROGRAM SHALL BE A VOLUNTARY PROGRAM. THE
20 DIRECTOR, IN CONJUNCTION WITH THE OFFICE OF CHILDREN AND FAMILY SERVICES
21 AND THE BANKING DEPARTMENT, SHALL COORDINATE ACTIVITIES TO IDENTIFY AND
22 PROVIDE TRAINING TO THE INSTITUTIONS AND INDIVIDUALS DESCRIBED IN THIS
23 SECTION.

24 3. (A) AS PART OF THE PROGRAM, THE DIRECTOR MAY AWARD GRANTS TO QUALI-
25 FIED DESIGNATED AGENCIES TO ESTABLISH LOCAL ELDERLY EXPLOITATION
26 OUTREACH, EDUCATION AND TRAINING PROGRAMS. QUALIFIED DESIGNATED AGENCIES
27 SHALL WORK COLLABORATIVELY WITH SUCH INSTITUTIONS AND INDIVIDUALS, AND
28 THEIR REPRESENTATIVE ASSOCIATIONS.

29 (B) IN MAKING SUCH GRANTS, THE DIRECTOR SHALL CONSIDER:

30 (1) THE MANNER IN WHICH THE DESIGNATED AGENCY PROPOSES TO PROVIDE SUCH
31 EDUCATION, OUTREACH AND TRAINING;

32 (2) THE CAPACITY OF THE DESIGNATED AGENCY TO COORDINATE ITS SERVICES
33 WITH BANKING, HUMAN SERVICE AND LAW ENFORCEMENT AND PUBLIC AGENCIES
34 WHICH PROVIDE SERVICES OR ASSISTANCE TO THE ELDERLY, INCLUDING THE LOCAL
35 DEPARTMENT OF SOCIAL SERVICES ADULT PROTECTIVE SERVICES UNIT; AND

36 (3) ANY OTHER CRITERIA DETERMINED BY THE DIRECTOR TO BE APPROPRIATE.

37 4. THE PROGRAM SHALL, AT A MINIMUM, CONSIST OF THE FOLLOWING ELEMENTS
38 WHICH SHALL BE PROVIDED BY THE OFFICE:

39 (A) EDUCATIONAL AND INFORMATIONAL MATERIALS IN PRINT, AUDIO, VISUAL,
40 ELECTRONIC OR OTHER MEDIA;

41 (B) PUBLIC SERVICE ANNOUNCEMENTS, ADVERTISEMENTS, MEDIA CAMPAIGNS,
42 WORKSHOPS, MASS MAILINGS, CONFERENCES OR PRESENTATIONS; AND

43 (C) INSTRUCTIONS ON HOW TO REPORT KNOWN OR SUSPECTED INCIDENTS OF
44 FINANCIAL EXPLOITATION OF THE ELDERLY, INCLUDING THE APPROPRIATE TELE-
45 PHONE NUMBERS TO CALL AND THE TYPES OF INFORMATION THAT WOULD ASSIST THE
46 OFFICE WITH ITS INVESTIGATION OF SUCH REPORTS.

47 5. THE DIRECTOR SHALL CONVENE AN ADVISORY COMMITTEE MADE UP OF AT
48 LEAST TEN, BUT NO MORE THAN TWENTY MEMBERS TO ADVISE THE DIRECTOR AND
49 MAKE RECOMMENDATIONS ON THE ASPECTS OF DEVELOPING AND IMPLEMENTING THE
50 PROGRAM. MEMBERS OF THE ADVISORY COMMITTEE SHALL INCLUDE, BUT NOT BE
51 LIMITED TO: AT LEAST THREE REPRESENTATIVES FROM STATEWIDE SENIOR ADVOCA-
52 CY ORGANIZATIONS, AT LEAST ONE ATTORNEY WHOSE PRACTICE CONCENTRATES IN
53 ELDER LAW OR AN INDIVIDUAL ACTING ON BEHALF OF THE ELDER LAW SECTION OF
54 THE NEW YORK STATE BAR ASSOCIATION, AT LEAST ONE BANKER OR A REPRESEN-
55 TATIVE OF AN ASSOCIATION REPRESENTING BANKERS, AT LEAST ONE CERTIFIED
56 PUBLIC ACCOUNTANT OR A REPRESENTATIVE OF AN ASSOCIATION REPRESENTING

1 CERTIFIED PUBLIC ACCOUNTANTS, AT LEAST TWO MEMBERS REPRESENTING PROTEC-
2 TIVE SERVICE AGENCIES FOR ADULTS, AND AT LEAST TWO LAW ENFORCEMENT
3 REPRESENTATIVES.

4 S 3. The state finance law is amended by adding a new section 99-r to
5 read as follows:

6 S 99-R. FINANCIAL EXPLOITATION, OUTREACH, EDUCATION AND TRAINING FUND.

7 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMPTROLLER
8 AND THE SUPERINTENDENT OF BANKS A SPECIAL REVENUE FUND TO BE KNOWN AS
9 THE FINANCIAL EXPLOITATION, OUTREACH, EDUCATION AND TRAINING FUND.

10 2. THE FINANCIAL EXPLOITATION, OUTREACH, EDUCATION AND TRAINING FUND
11 SHALL CONSIST OF ALL MONEYS, APPROPRIATED THERETO, AND ALL OTHER FEES,
12 FINES, GRANTS, BEQUESTS OR OTHER MONIES CREDITED OR TRANSFERRED THERETO
13 FROM ANY OTHER FUND OR SOURCE.

14 3. THE MONEYS OF THE FINANCIAL EXPLOITATION, OUTREACH, EDUCATION AND
15 TRAINING FUND SHALL BE DISBURSED BY THE COMPTROLLER TO THE STATE OFFICE
16 FOR THE AGING FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS OF SECTIONS
17 TWO HUNDRED NINETEEN AND TWO HUNDRED NINETEEN-A OF THE ELDER LAW.

18 S 4. This act shall take effect immediately.